

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED

Applicant: Daniel R. Tretter et al. Examiner: Chante E. Harrison CENTRAL FAX CENTER
Serial No.: 10/672,544 Group Art Unit: 2672 AUG 09 2006
Filed: September 26, 2003 Docket No.: 200312433-1 / H304.120.101
Title: GENERATING AND DISPLAYING SPATIALLY OFFSET SUB-FRAMES

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop Appeal Briefs - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please consider the following remarks during the Pre-Appeal Brief Conference:

Examiner Interview

Examiner Chante Harrison and Applicant's representative, Jeff A. Holmen, conducted a telephonic interview on August 8, 2006. During the Interview, the Examiner's and Applicant's understanding of Allen, U.S. Publication No. 2004/0027363 ("Allen"), as applied to independent claims 1, 8, 12, and 19 of the present Application were discussed. No agreement was reached, and the rejections set forth in the Final Office Action mailed June 9, 2006, were maintained.

Remarks

Claims 1-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Allen, U.S. Publication No. 2004/0027363 ("Allen").

Independent claim 1 is directed to a method of displaying images with a display device, the method comprising receiving image data for a plurality of image frames; generating at least one sub-frame for each image frame based on the received image data; displaying the sub-frames for each image frame in a first set of the plurality of image frames at a first plurality of spatially offset positions; displaying the sub-frames for each image frame in a second set of the plurality of image frames at a second plurality of spatially offset positions that is different than the first plurality of spatially offset positions; and sequentially displaying a plurality of colors during the display of each of the sub-frames.

Independent claim 12 is directed to a system for displaying low resolution sub-frames at spatially offset positions to generate the appearance of a high resolution image, the system comprising means for receiving a set of consecutive high resolution images; means for generating a plurality of low resolution sub-frames for each of the high resolution images; means for alternately displaying the low resolution sub-frames for each of the high resolution

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images at a set of spatially offset positions; means for automatically varying the set of spatially offset positions for at least one of the high resolution images; and means for sequentially displaying a plurality of colors during the display of each of the low-resolution sub-frames.

The Examiner has not identified any disclosure in Allen that teaches or suggests sequentially displaying a plurality of colors during the display of sub-frames, as recited in independent claims 1 and 12. The Examiner appears to acknowledge this absence of teaching by arguing that these limitations are inherent in Allen. (See, e.g., Final Office Action at para. no. 2, pages 3 and 6). However, the Federal Circuit has stated, "[i]nherent anticipation requires that the missing descriptive material is 'necessarily present,' not merely probably or possibly present, in the prior art." *Trintec Indus., v. Top-U.S.A. Corp.*, 63 USPQ2d 1597, 1599 (Fed. Cir. 2002) (quoting *In re Robertson*, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)). Since multiple colors could be displayed simultaneously in the system disclosed in Allen, rather than sequentially as recited in claims 1 and 12, the sequential display of a plurality of colors is not inherent in the Allen reference. These limitations of claims 1 and 12 are not "necessarily present" in Allen.

In view of the above, independent claims 1 and 12 are not taught or suggested by Allen. In addition, dependent claims 2-7 and 13-18, which further limit patentably distinct claims 1 and 12, respectively, are also believed to be allowable over the cited reference. Withdrawal of the rejection of claims 1-7 and 12-18 under 35 U.S.C. §102(e), and allowance of claims 1-7 and 12-18 are respectfully requested.

Independent claim 8 is directed to a system for displaying images, the system comprising a buffer adapted to receive image data for first and second images; an image processing unit configured to define first and second sub-frames corresponding to the first image, and define third and fourth sub-frames corresponding to the second image; and a display device adapted to alternately display the first sub-frame in a first position and the second sub-frame in a second position spatially offset from the first position, and alternately display the third sub-frame in a third position spatially offset from the first position and the second position, and the fourth sub-frame in a fourth position spatially offset from the first position, the second position, and the third position, wherein the display device is adapted

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to use pulse-width modulation to represent different light intensities in the displayed sub-frames.

Independent claim 19 is directed to a computer-readable medium having computer-executable instructions for performing a method of displaying low resolution sub-frames at spatially offset positions to generate the appearance of a high resolution image, comprising receiving a set of consecutive high resolution images; generating a set of low resolution sub-frames for each of the high resolution images; alternately displaying the low resolution sub-frames for each of the high resolution images at a plurality of spatially offset positions; automatically varying the plurality of spatially offset positions for at least one of the high resolution images; and **generating light pulses of varying widths to represent different light intensities in the displayed low resolution sub-frames.**

The Examiner has not identified any disclosure in Allen that teaches or suggests the use of pulse-width modulation to represent different light intensities in displayed sub-frames, as recited in independent claims 8 and 19. Again, the Examiner appears to acknowledge this absence of teaching by arguing that these limitations are inherent in Allen. (See, e.g., Final Office Action at para. no. 2, pages 5 and 9). However, as indicated above, inherent anticipation requires that the missing descriptive material is "necessarily present," not merely probably or possibly present, in the prior art. Since methods other than pulse-width modulation could be used to represent different light intensities in the system disclosed in Allen, the use of pulse-width modulation to represent different light intensities in displayed sub-frames is not inherent in the Allen reference. This limitation of claims 8 and 19 is not "necessarily present" in Allen.

In view of the above, independent claims 8 and 19 are not taught or suggested by Allen. In addition, dependent claims 9-11 and 20, which further limit patentably distinct claims 8 and 19, respectively, are also believed to be allowable over the cited reference. Withdrawal of the rejection of claims 8-11, 19, and 20 under 35 U.S.C. §102(e), and allowance of claims 8-11, 19, and 20 are respectfully requested.

In view of the above, Applicant submits that independent claims 1, 8, 12, and 19 are each patentably distinct from Allen and therefore, are each in a condition for allowance and that all claims depending therefrom are also in a condition for allowance. Applicant,

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therefore, respectfully requests that the rejections of claims 1-20 under 35 U.S.C. 102(e) be reconsidered and withdrawn and that claims 1-20 be allowed.

Any inquiry regarding this Request should be directed to either Denise L. Saffold at Telephone No. (650) 236-4868, Facsimile No. (650) 852-8063 or Jeff A. Holmen at Telephone No. (612) 573-0178, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

IP Administration
Legal Department, M/S 35
HEWLETT-PACKARD COMPANY
P.O. Box 272400

Respectfully submitted,

Daniel Tretter et al.,

By their attorneys,

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CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted via facsimile to Facsimile No. (571) 273-8300 on this 9th day of August, 2006.

By: Jeff A. HolmenName: Jeff A. Holmen